APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/850,181	05/07/2001	Frederick Murray Burg	2000-0012	1252

30083 7590 04/19/2006	EXAMINER	
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SEATTLE, WA 98111-1247	ART UNIT	PAPER NUMBER
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DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 January 2006</u>.

2a)☒ This action is **FINAL**.　　　2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-60</u> is/are pending in the application.

　　4a) Of the above claim(s) <u>1-42</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>43-60</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)　　　　　　　4)☐ Interview Summary (PTO-413)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)　　　　　　Paper No(s)/Mail Date. _____ .
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)　　5)☐ Notice of Informal Patent Application (PTO-152)
　　Paper No(s)/Mail Date _____ .　　　　　　　　　　6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs

of 35 U.S.C. 102 that form the basis for the rejections under

this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in-
> (1) an application for patent, published under section 122(b), by another
> filed in the United States before the invention by the applicant for
> patent, except that an international application filed under the treaty
> defined in section 351(a) shall have the effect under this subsection of a
> national application published under section 122(b) only if the
> international application designating the United States was published under
> Article 21(2)(a) of such treaty in the English language; or
> (2) a patent granted on an application for patent by another filed in the
> United States before the invention by the applicant for patent, except that
> a patent shall not be deemed filed in the United States for the purposes of
> this subsection based on the filing of an international application filed
> under the treaty defined in section 351(a).

2.   Claims 43-49, 51-56, 58 and 59 are rejected under 35 U.S.C.

§ 102(e) as being anticipated by Burger et al, U.S. Patent No.

6,678,366 (hereinafter Burger).

Regarding claim 43, Burger discloses a method of providing

status information of a user to a requestor comprising:

prior to receiving a request at a central location to

facilitate establishing a communication between a device

associated with the requestor and one of multiple communication

devices;

storing information (see Figures 2 and 3) about

multiple communication devices associated with the user,

wherein the multiple communication devices include at least

a first device and a second device, wherein the first

device is a mobile phone and wherein the second device is a

computer, a landline phone, or a set top box, and wherein

the first device is associated with a first network and the

second device is associated with a second, different

network (column 6, lines 15-67);

receiving at the central location status information

regarding the multiple communication devices from the

respective networks, wherein the status information

includes status information other than, or in addition to,

an indication of whether the multiple communication devices

are on or off, and wherein the receiving of station

information includes at least one of:

querying the first network or the second network

for status information about at least one of the

multiple communication device associated with the

user, and

receiving status information from at least one

network element in the first network or the second

network, wherein the at least one network element

automatically provides to the central location status

information about at least one of the multiple

communication devices associated with the user (column

8, lines 40-55); and

in response to receiving a request at the central location

to facilitate establishing a communication between the device

associated with the requestor and one of the multiple

communication devices, selecting one of the communication

devices based on the status information (see 404 from Figure 4);

and

providing the requestor with an identification of the

selected communication device so that a communication can be

established between the device associated with the requestor and

the selected communication device (see 502 from Figure 5).

Regarding claim 44, see column 7, lines 5-55.

Regarding claim 45, see column 9, lines 1-50.

Regarding claim 46, see column 9, lines 1-50.

Regarding claim 47, see column 8, lines 40-55.

Regarding claim 48, see column 12, lines 10-25.

Regarding claim 49, Burger discloses a method of

identifying a communication path for establishing a

communication session, the method comprising:

prior to receiving a request to facilitate establishing a

communication between a device associated a communication

initiator and a device associated with an intended recipient;

at a central location (100), storing information about

multiple communication devices associated with the intended

recipient, wherein at least two of the multiple

communication devices are each associated with different

respective networks in the multi-networked environment (see

column 6, lines 15-67);

at the central location, receiving status information

regarding the plurality of communication devices from

respective networks, wherein the receiving of status

information includes:

actively querying one or more of the networks in

the multi-networked environment for status information

that indicates information other than, or in addition

to, whether the multiple communication devices are on

or off, or

automatically receiving status information from

at least one network element in the first network or

the second network, wherein the at least one network

element automatically provides to the central location

status information about at least one of the multiple

communication devices associated with the user (column

8, lines 40-55); and

at the central location, receiving a request for

identifying a communication path for use in establishing the

communication between the device associated with the

communication initiator and a device associated with the

intended recipient (402 from Figure 4);

at the central location, in response to the received

request, at least assisting in the selection of a communication

device at which the user can likely be reached, wherein the

selection is based, at least in part, on an evaluation of the

received status information (see 404 from Figure 4);

and directing a call to the network to which the selected

communication device belongs to enable a communication session

to be established with the selected communication device (see

502 from Figure 5).

Regarding claim 51, see column 9, lines 1-50.

Regarding claim 52, Burger discloses in a multi-networked environment, a method of determining a communication device at which a user can likely be reached, the method comprising:

prior to receiving a request to facilitate establishing a communication between a device associated with a communication initiator and one of multiple communication devices associated with the user,

querying different types of network in the multi-networked environment for status information, or automatically receiving the status information from network elements (column 8, lines 40-55), wherein the status information pertains to at least two communication devices associated with the user including a first device and a second device, wherein the first device is associated with a first network in the multi-networked environment, and wherein the second device is associated with a second, different network in the multi-networked environment (column 6, lines 15-67);

receiving the status information for the at least two communication devices, wherein the status information includes status information other than, or in addition to, an indication of whether the at least two communication devices are on or off (column 7, lines 5-65); and

in response to receiving a request for establishing a
communication session with one of the multiple communication
devices, selecting a preferred communication device from the at
least two communication devices based on the received status
information (see 502 from Figure 5).

Regarding claim 53, see column 7, lines 5-55.

Regarding claim 54, see column 9, lines 1-50.

Regarding claim 55, see column 12, lines 10-25.

Regarding claim 56, see column 12, lines 10-25.

Regarding claim 57, see column 12, lines 10-25.

Regarding claim 58, see Figure 1.

Regarding claim 59, Burger discloses an apparatus for
identifying a communication path for establishing a
communication session between a requestor and a user, the
apparatus comprising:

means for storing information (118) about multiple
communication devices associated with the user, wherein the
multiple communication devices include at least a first device
and a second device, wherein the first device is a mobile phone
and wherein the second device is a computer, a landline phone,
or a set top box, wherein the first device is associated with a

first network and the second device is associated with a second

network (column 6, lines 15-67), and wherein the storing is

performed prior to receiving a request (see 402) to facilitate

establishing a communication between a device associated with

the requestor and one of the multiple communication devices

associated with the user;

means for receiving status information regarding the

multiple communication devices from the respective networks,

wherein the status information includes status information other

than, or in addition to, an indication of whether the multiple

communication devices are on or off, and wherein the means for

receiving includes at least one of:

means for querying at least the first network and the

second network for status information about at least one of

the multiple communication devices associated with the

user, wherein the querying is performed prior to receiving

the request to facilitate establishing the communication

between the device associated with the requestor and of

multiple communication devices associated with the user,

and

means for receiving status information from at least

one network element in the first network or the second

network, wherein the at least one network element

automatically provides status information about at least

one of the multiple communication devices associated with

the user (see column 8, lines 40-55);

means for selecting one of the communication devices based

on the status information (see 404 from Figure 4); and

means for providing the requestor with an identification of

the selected communication device so that a communication can be

established between the device associated with the requestor and

the selected communication device (see 502 from Figure 5).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in this

Office action:

> (a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the
> art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

4.   Claim 50 is rejected under 35 U.S.C. § 103(a) as being

anticipated by Burger.

Regarding claim 50, Burger fails to teach the storing is

performed through an Internet portal site by providing the

intended recipient with a predetermined registration procedure

to enroll in the service of the method. "Official Notice" is taken that this limitation is both old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Burger wherein the storing is performed through an Internet portal site by providing the intended recipient with a predetermined registration procedure to enroll in the service of the method. This modification would have improved the convenience of Burger by allowing the intended recipient to change subscriber preferences as suggested by Burger (see column 5, lines 10-15).

5.   Claims 57 and 60 are rejected under 35 U.S.C. § 103(a) as being anticipated by Burger in view of Light et al, U.S. Patent Application Publication No. 2001/0005412 (hereinafter Light).

Regarding claim 60, Burger shows an apparatus for identifying a communication path for establishing a communication session between a requestor and a user, the apparatus comprising:

a network interface configured for:

receiving status information for at least two communication devices (column 6, lines 15-67), wherein the status information includes status information other than,

or in addition to, an indication of whether the at least

two communication devices are on or off (column 7, lines 1-

55); and

wherein the receiving occurs independently of

receiving a request (402 from Figure 4) for establishing a

communication session between the requestor and the user,

a storage block (118) configured for storing the received

status information; and

a processor (100) configured for selecting a preferred

communication device from the set of multiple communication

devices based on the received status information, wherein the

processor performs the selecting in response to receiving a

request for establishing a communication session with the user

(see 502).

Burger fails to teach querying the different types of

networks in the multi-networked environment for status

information, wherein the status information pertains to at least

two communication devices associated with the user, including a

first device and a second device, wherein the first device is

associated with a first network in the multi-network

environment, and wherein the second device is associated with a

second network in the multi-networked environment, wherein the

querying occurs independently of receiving a request for

establishing a communication session between the requestor and

the user. Nonetheless Light teaches these features (see

paragraph 0022). Therefore it would have been obvious to one of

ordinary skill in the art to modify Burger with the polling

mechanism of Light. This modification would have improved the

efficiency of Burger by avoiding wasted time in making calls

that cannot be completed as suggested by Light (see abstract).

Regarding claim 57, Burger shows the steps of receiving and

selecting occur within an information system (100) configured to

communicate with the different types of networks in the multi-

networked environment. Burger fails to teach the claimed

querying limitation. Nonetheless Light teaches this limitation

(see paragraph 0022). Therefore it would have been obvious to

one of ordinary skill in the art to modify Burger with the

polling mechanism of Light. This modification would have

improved the efficiency of Burger by avoiding wasted time in

making calls that cannot be completed as suggested by Light (see

abstract).

Response to Arguments

6.   Applicant argues Burger does not teach the querying for
and/or the receiving of status information takes place prior to
(or occurs independently of) receiving a request to facilitate
establishing a communication. The Examiner respectfully
disagrees. According to Burger, prior to receiving an inbound
telephone call **402**, the enhanced service platform knows the last
telephone number used to successfully complete a prior telephone
call (see column 8). Therefore Burger's act of tracking and
weighing successfully completed calls (see column 7) is
functionally equivalent to the claimed limitation of receiving
at the central location status information regarding the
multiple communication devices from the respective networks.
Because Burger tracks and weighs (see column 7) successfully
completed calls prior to receiving (see column 8) inbound
telephone call **402**, Burger teaches the receiving of status
information takes place prior to (or occurs independently of)
receiving a request to facilitate establishing a communication.

       Applicant also argues Burger does not disclose storing
information about multiple communication devices associated with
the user, wherein the multiple communication devices include at
least a first device and a second device, wherein the first
device is a mobile phone and wherein the second device is a

computer, a landline phone, or a set top box, and wherein the
first device is associated with a first network and the second
device is associated with a second, different network. The
Examiner respectfully disagrees. Burger's weighting information
(see column 6) reads on the claimed information limitation. The
mobile telephone of Burger (see column 6) reads on the claimed
first device. Because Burger discusses other types of real time
communication systems (see column 12), Burger teaches the
claimed second device and different network.

Applicant contends the valid BGL is not based on status
information. The Examiner respectfully disagrees. Among other
things, the BGL is based on received status information such as
the time of day, the date, or an amount of time threshold (see
column 9).

Applicant then alleges, Burger does not disclose providing
the requestor with an identification of the selected
communication device so that a communication can be established
between the device associated with the requestor and the
selected communication device. Nonetheless, Burger's procedure
of directing an inbound telephone call to a telephone at which
the subscriber has been found (see column 11) is functionally
equivalent to the claimed limitation of providing the requestor
with an identification of the selected communication device so

that a communication can be established between the device
associated with the requestor and the selected communicated
device.

Conclusion

7.   **THIS ACTION IS MADE FINAL**. Applicant is reminded of the
extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action
is set to expire THREE MONTHS from the mailing date of this
action. In the event a first reply is filed within TWO MONTHS
of the mailing date of this final action and the advisory action
is not mailed until after the end of the THREE-MONTH shortened
statutory period, then the shortened statutory period will
expire on the date the advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated
from the mailing date of the advisory action. In no event,
however, will the statutory period for reply expire later than
SIX MONTHS from the date of this final action.

8.   Any inquiry concerning this communication or earlier
communications from the examiner should be directed to Olisa
Anwah whose telephone number is 571-272-7533. The examiner can
normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

O·A·

Olisa Anwah
Patent Examiner
April 5, 2006

FAN TSANG
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